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October 7, 2016

VIA ECF

Hon. Katherine P. Failla
United States District Court Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Gamero v. Kodo Sushi Corp.*, No. 15-cv-2697 (KPF)

Dear Judge Failla:

We respectfully write to inform you that we anticipate that Ruyi Wu, one of the proposed defense witnesses in the above-captioned case, will not testify at trial. Ms. Wu was disclosed as a potential witness in the Joint Preliminary Trial Report Pretrial Order, Dkt. No. 53. At the pretrial conference on October 4, 2016, we indicated that Ms. Wu would testify, but that she was unable to do so on Tuesday, October 18, due to medical treatments she receives every Tuesday. Late in the day on Wednesday, October 5, 2016, however, we learned that Ms. Wu would be traveling to Shanghai, China that night to visit her father who we understand to be extremely, and possibly terminally, ill. Ms. Wu does not plan to return to New York until after the trial has concluded. In light of this development, we do not anticipate calling Ms. Wu at trial.

Sincerely,

/s/ Thomas J. Giblin

Thomas J. Giblin
of LATHAM & WATKINS LLP

cc: All counsel of record (via ECF)